



Number: D95-27

Serving the People of California

DIRECTIVE

Date: January 30, 1996

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TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: TERMINATION OF TITLE III PARTICIPANTS WHO RETURN TO
WORK WITH THEIR LAYOFF EMPLOYER

EXECUTIVE SUMMARY:

Purpose:

To clarify reporting requirements for Title III participants who return to work with their previous layoff employer using the "called back/remained with the layoff employer" termination category.

Scope:

This Directive applies to all Title III terminations occurring on or after July 1, 1993.

Effective Date:

This Directive is effective upon issuance.

REFERENCES:

- Training and Information Notice (TEIN) No. 5-93, Change 1, JTPA Standardized Program Information Reporting Instructions, June 23, 1994.
- TEIN No. 12-93 Revised Dislocated Worker Special Project (DWSPR) Reporting Instructions, September 8, 1993
- JTPA Directive No. D95-16, Title III Performance Standards for Program Year (PY) 1995-1996.
- JTPA Directive No. D95-3, 90/30- Day Period of Inactive Status Under JTPA.

STATE-IMPOSED REQUIREMENTS:

This document contains state-imposed requirements. These requirements are in ***bold, italic*** print.

FILING INSTRUCTIONS:

The Directive supersedes JTPA Interim Directive 94-08.

BACKGROUND:

Effective July 1, 1993, the Department of Labor (DOL) instituted revised and consolidated reporting requirements for programs funded under Title II and III of the Job Training Partnership Act (JTPA). These requirements were provided via TEIN No. 5-93, Change 1 dated June 23, 1994, as the JTPA Standardized Program Information Reporting (SPIR) instructions. The SPIR instructions apply to all Title III activities except for Defense Conversion Adjustment (DCA) Program and the Clean Air Employment Transition Assistance (CAETA) funded activities. The DCA and CAETA funded activities are reported using Dislocated Worker Special Project Report (DWSPR) instructions. Revised DWSPR instructions, which became effective July 1, 1993, were issued via TEIN No. 12-93 dated September 8, 1993.

The SPIR and DWSPR reporting instructions contain a termination category titled "Called Back/Remained With Employer." This termination category pertains to Title III only. Prior to July 1, 1993, use of this termination category for participants recalled to work by their former employers required that the participant be placed in a permanent job.

With the implementation of the SPIR requirements for PY 1993-94, effective July 1, 1993, the criteria for using this termination category were simplified to only require that "the participant was called back or remained with the layoff employer." The DWSPR instructions for DCA and CAETA funded activities did not change and still contain the "permanent job" criterion.

POLICY AND PROCEDURES:

All Title III participants who re-establish employed status expected to last 90 days or longer with the former employer either by being called back to work or remaining employed after receiving a layoff notice, shall be terminated from the program using the "called back or remained with the layoff employer" termination category. The former employer is the one whose layoff action deemed them Title III eligible. Exceptions to this requirement shall be allowed under the following conditions:

SITUATION	ALTERNATE ACTION
Participant re-establishes employed status with his/her previous employer on a short-term, temporary basis, i.e., less than 90 days in duration.	In consultation with the participant, a Service Delivery Area (SDA) may consider this period as "inactive time" if the participant confirms this is stop gap employment and the participant will resume program participation prior to 90 days elapsing. Document the basis for this action in the participant's individual service strategy and continue to retain the participant as enrolled in the program.
Participant re-establishes employed status with the previous employer in a different occupation from that previously held with that employer, as a primary result of basic readjustment services or retraining.	Terminate the participant as entered unsubsidized employment. Document the basis for this action in the participant's individual service strategy.

REPORTING ISSUES:

JTPA 10E Report:

Participants who are terminated from the Title III program with a called back/remained with layoff employer termination should be excluded from the average wage at placement calculation on the JTPA 10E report. These clients are excluded from the Title III performance standards calculations which are based on those terminees who entered employment.

JTPA 11 Report:

Participants who are terminated from the Title III program with a called back/remained with layoff employer termination should be excluded from the Employed column of the report.

ACTION:

It is the SDA's responsibility to establish, maintain, and exercise ongoing controls to assure compliance with these requirements.

INQUIRIES:

Please direct questions about this Directive to your Program Manager of the Program Management Section.

/S/ Vicki J. Johnsrud
Acting Chief